

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
ASSIGNED ON BRIEFS DECEMBER 12, 2007

IN THE MATTER OF: L.L.F. (d/o/b 12/08/00) & T.H.F. (d/o/b 9/27/99)

**STATE OF TENNESSEE, DEPARTMENT OF CHILDREN'S
SERVICES v. B.W.R., ET AL.**

**Direct Appeal from the Juvenile Court for Putnam County
No. 813 TPR John Hudson, Judge**

No. M2007-01656-COA-R3-PT - Filed February 29, 2008

This is a termination of parental rights case. The Department of Children's Services instituted a dependency and neglect proceeding and the mother's two minor children were placed in DCS' custody. At the time, the children and the mother were living with her boyfriend in Tennessee. After the children were placed in foster care, the mother moved back to Florida. Permanency plans were entered into with the goal of reunification with the mother. DCS created revised permanency plans with the goal changed to adoption. Ultimately, DCS initiated a termination proceeding based on the following statutory grounds: 1) abandonment by failure to visit; 2) abandonment by failure to support; 3) abandonment by failure to establish a suitable home; 4) substantial non-compliance with the permanency plan; and 5) persistent conditions. A hearing was held, and the trial court terminated the mother's rights based on each of the aforementioned grounds. The mother appeals, and we affirm.

Tenn. R. App. P. 3; Appeal as of Right; Judgment of the Juvenile Court Affirmed

ALAN E. HIGHERS, P.J., W.S., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., J., and JON KERRY BLACKWOOD, SR. J., joined.

John Philip Parsons, Cookeville, TN, for Appellant

Robert E. Cooper, Jr., Attorney General and Reporter, Scott Edward Schwieger, Assistant Attorney General, Nashville, TN, for Appellee

OPINION

I. FACTS & PROCEDURAL HISTORY

B.W.R. (“Mother” or “Appellant”) is the mother of two minor children, T.H.F., born September 27, 1999, and L.L.F., born December 8, 2000. The children’s father is not a party to this appeal. Mother and the father were never married, and the details of their former relationship are unclear. Mother moved from Florida to Tennessee with the children in 2005. Mother and the children lived in Tennessee with Mother’s boyfriend, Angelo Owens, in Mr. Owens’ sister’s basement.

The Tennessee Department of Children’s Services (“DCS”) became involved after an incident occurring in September of 2005. T.H.F. told a DCS case manager that she, T.H.F., and Mother were riding in a vehicle the previous night driven by Mr. Owens. Mother had been drinking beer, and she and Mr. Owens were fighting. Mr. Owens was swerving and T.H.F. was afraid they would hit a light pole. Mr. Owens stopped and pulled Mother out of the vehicle. She and the children began walking, and all were barefoot. A police officer stopped them and allowed Mr. Owens’ sister to come pick them up.

T.H.F. told DCS that Mother drinks beer almost every night, and Mother has told T.H.F. in the past that if anyone asks, T.H.F. is to lie and say that Mother only drinks tea and cokes. T.H.F. also reported that she has seen Mr. Owens smoke marijuana on one occasion. T.H.F. was in the vehicle on a different occasion when Mr. Owens drove to a church parking lot and obtained marijuana from other individuals. According to T.H.F., Mother and Mr. Owens go to different churches requesting money for food and gas, and then use that money to purchase beer and cigarettes. T.H.F. stated that Mother and Mr. Owens argue on a regular basis. T.H.F. recalled past run-ins with the Florida police when the family lived there. Based on this information, DCS initiated a dependency and neglect proceeding. The juvenile court issued a protective custody order, placing the children in DCS custody on September 28, 2005. The court entered an order on May 9, 2006, which found the children dependent and neglected and approved their foster care. The court ordered that Mr. Owens was not to have visitation with the children.

After the children were placed in foster care, Mother left Tennessee and moved back to Florida. According to DCS, Mother left without giving them her contact information. Greg Bowman, DCS case manager, was assigned by DCS to this case, and was able to locate Mother in Florida. DCS developed a permanency plan for both children with the goal of reunifying the children and Mother with a target date of September 23, 2006. Mother did not attend the staffing meeting for the permanency plans, but DCS delivered her copies of the plans and discussed the plans with Mother over the telephone. The plans required, in part: that Mother maintain suitable housing; that Mother cooperate with an ICPC (Interstate Compact on the Placement of Children) study conducted by Florida’s Department of Children and Families to determine if Mother’s home is an appropriate placement for the children; that Mother submit to domestic violence counseling, a mental health assessment, a parenting assessment, an alcohol and drug assessment and follow any recommendations, including attending AA; and that Mother obtain and maintain legal employment.

The plan also required that Mother submit to random drug screens and hair follicle tests. As to Mother's boyfriend, Mr. Owens, Mother indicated that they would live together, and the plan required that he submit to the same requirements as Mother.

Thereafter, Mother refused to take drug tests as requested by DCS and as required by the permanency plan. As to the ICPC, Florida's Department of Children and Families attempted to conduct the ICPC study, but Mother could not be reached. Mr. Bowman was eventually able to contact Mother, and he told her that the Florida agency was trying to reach her. Mother did not attempt to contact Florida's Department of Children and Families.

The Putnam County Foster Care Review Board held a progress review on December 20, 2005. Mother received notice, but did not attend; nor could DCS reach her via telephone. The Board recommended that the children not be returned to Mother and remain in foster care.

DCS requested a second time in May of 2006 that Florida's Department of Children and Families conduct the ICPC study. The study was completed, with a recommendation that the children not be placed with Mother. The home study report indicated that neither Mother nor Mr. Owens took responsibility for the children being placed in foster care; rather, the two blamed others, included Mr. Owens' sister. The couple denied living together, but Mr. Owens stated that he paid Mother's expenses, including the rent, the electric bill, and food. Mother denied any problems with drugs or alcohol, but did admit to a previous arrest for DUI. Mr. Owens stated that his criminal record consisted of one juvenile matter; an investigation, however, revealed that Mr. Owens had an extensive adult criminal record. Mother indicated that she had "stage three cervical cancer," but that she was not receiving treatment because she was afraid to see a doctor. The ICPC report listed this as a concern because "[t]his may increase risk to the children if they are reunified and in need of medical care or if the mother's deteriorating health prevents her from adequately caring for her children." The report states that "the family does not seem to be completely forthcoming about recent and past events."

A revised permanency plan was entered in September of 2006 and approved by the juvenile court. These revised plans changed the goal from reunification to adoption, based on the following:

[The] ICPC did not recommend placement of the children with [Mother] or with the father Both parents reside in the state of Florida and have not worked anything [sic] on their permanency plan. First ICPC on [Mother] was returned due to not being able to make contact with [Mother]. Second ICPC completed in July 2006 found [Mother] and Angelo Owens not to be credible and did not recommend that the children be placed with [Mother] and Mr. Owens. . . . [Mother] has not visited with the children since April 2006. The children have been in custody since 9-23-2005 and are in need of permanency.

The revised plan stated that “[i]f Barbara Rodgers . . . [has] not made substantial progress and/or [is] unwilling to complete [the] permanency plans, the Tennessee Department of Children[’s] Services will ask the court for a termination of parental rights.” The plan called for Mother’s visitation “to at least be the minumn [sic] of four hours per month. . . . Phone calls are permitted on Sundays . . . and all conversation will be monitored to monitor appropriate content of the conversations.” Mother signed the revised permanency plans with a signature date of September 1, 2006, and also signed the Criteria & Procedures for Termination of Parental Rights.

On April 27, 2006, Mother and Mr. Owens submitted to a urine drug screen: Mother tested positive for benzodiazepines, and Mr. Owens tested positive for marijuana. DCS requested that Mother also submit to a hair follicle drug test on this same day, but Mother refused. The urine test was the only DCS requested drug test that either Mother or Mr. Owens submitted to.

After receiving the results of the ICPC home study, DCS made appointments with American Therapeutic Corporation to assess Mother in September of 2006. The assessment recommended substance abuse therapy, domestic violence counseling, random drug screens, and parenting classes. Mr. Owens was also referred to American Therapeutic Corporation, and he refused all services, claiming that he no longer had a relationship with Mother.

DCS filed a petition to terminate Mother’s parental rights on January 20, 2007. DCS sought to terminate Mother’s rights based on the following statutory grounds: 1) abandonment by willful failure to visit; 2) abandonment by willful failure to support; 3) abandonment by failure to establish a suitable home; 4) substantial non-compliance with the permanency plan; and 5) persistent conditions.

After the filing of the termination petition, DCS stopped Mother’s phone conversations with the children due to Mother’s inappropriate comments. Thereafter, DCS filed a motion on March 29, 2007 to terminate Mother’s visitation based on the following:

Despite warnings by the individual supervising the children not to whisper to the children, Ms. Rodgers has done so. The children report that Barbara Rodgers tells them that it is there [sic] fault that they are in foster care. The children’s behavior worsens after visitations or telephone calls. The children are a high risk of disrupting another foster care placement due to the behaviors that appear to be cause by the mother’s statements during visitation and telephone calls. . . .The children are at imminent risk of harm to emotional trauma if ongoing visitation and contact causes another foster care placement

The court terminated Mother’s phone contact and visitation with the children.

The termination hearing was held in juvenile court in Putnam County, Tennessee on May 29, 2007. Four witnesses testified: Mr. Bowman, Mother, and the foster parents, Reba and Anthony Casilious.¹

Mr. Bowman testified as to Mother's failure to follow the permanency plan, including her failure to work with Florida's Department of Children and Families. Mr. Bowman had a difficult time keeping in contact with Mother, as her phone number would often change and her calls, if any, to DCS were "sporadic." As to Mother's lack of visitation with the children, Mr. Bowman testified that Mother had not visited any time during the relevant four-month period. His testimony, in relevant part, is as follows:

Q. Did you try to make arrangements for her to visit the children during that four-month period?

A. Yes.

Q. Tell us what arrangements you tried to make and how often.

A. Through the four months, I talked to her and said that we would allow for transportation and a motel room so she could come and visit the children. Specifically, in December on Lincoln's birthday, she said she wanted to come up and I arranged for funding for a motel room and a bus ticket, and she declined that. And also, at Christmas, she said she wanted to come up, and I set up funding . . . went through the funding unit and asked them for funding for a motel and bus service, and she declined that and said she couldn't make it. And then the first of January, she indicated she wanted to come up, and I acquired the funding for a bus ticket and a motel room, and she declined that, too.

...

Q. Has the Department made the children available for visitation every time Ms. Rodgers has requested a visit?

A. Yes.

Mr. Bowman also testified as to Mother's telephone contact with the children:

Q. The Department also set up a regular schedule where the mother could have supervised telephone contact with the children, is that correct?

A. Yes.

...

Q. Did you listen in and supervise some of these telephone calls

¹ We do not discuss the foster parents' testimony in this opinion, as Mother has not appealed the best interest finding.

yourself?

A. On one phone call, on 1/07 of this year.

Q. 1/7/07?

A. Yes.

Q. And during that telephone call, did Mrs. Rodgers make statements to the children that were inappropriate?

A. Yes, I found them to be inappropriate.

Q. What did she say?

A. First off, she tried to say that, 'Daddy Angelo [Mr. Owens] loves you and he's wanted to talk to you,' and the foster mom had previously, on several occasions, had told [Mother] that that [sic] was not allowed; that she couldn't discuss Mr. Angelo or have Mr. Angelo on the phone. [Mother] told T.H.F. that she [T.H.F.] was the reason why the children are in Tennessee and not in Florida with her, and that because she was telling that her and Betty² were fighting is the reason why she's in foster care.

Mr. Bowman stated that after all contact ceased, the children's behavior greatly improved.

Mother testified concerning her visitation, and part of her testimony conflicted with Mr. Bowman's concerning her efforts to visit the children:

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Q. You said that you came up in September [2006] and [DCS] paid for the bus ticket and the trip up, is that right?

A. Yes.

Q. And what happened in November and December; why didn't you come up?

A. In November, there was never nothing given to me. In December, I told [Mr. Bowman] in September, that I wanted to come up for [L.L.F.'s] birthday. And then he says, 'Well, why don't we just wait until Christmas and you can come up and spend Christmas?' And I said okay. And then, around Christmas-time, I called [Mr. Bowman], and he was like, 'Well, you've got court; why don't you just wait until you come to court?' . . .

² It is unclear who this individual is.

Mr. Bowman also testified that prior to the four months preceding the termination petition, Mother paid no child support.

Mr. Bowman testified that Mother refused all but one request for drug screens, and that test came back positive for drug use. When asked on cross-examination if she was prepared to take a drug test, Mother responded: "Yes, but I'm not. If I can't see my kids or talk to my children, I'm not going to do it. I'm not going to drug test for you all."

On several prior occasions, Mr. Bowman requested proof of her income, which Mother did not provide. As to her employment, Mother offered no documented proof other than her testimony that she details cars and makes \$10 an hour working 40 hours a week. Mother also testified that she paid weekly rent of \$100, and that Mr. Owens no longer helps her financially. Mother maintained that she no longer lives with Mr. Owens.

The trial court entered a final decree of guardianship on July 5, 2007, which terminated Mother's parental rights based on all five of the aforementioned grounds alleged in the petition. The trial court found Mother's testimony lacked credibility, and specifically accredited Mr. Bowman's testimony. The court found that DCS made reasonable efforts to assist Mother in: "(1) visiting the children[;] (2) establishing a suitable home for the children; (3) complying with the requirements in the permanency plans; and (4) remedying the conditions that necessitate foster care." As to visitation, the court found as follows:

Prior to the Petition to Terminate Parental Rights being filed on January 30, 2007, [Mother] has not visited the children since September 28, 2006. Prior to that date [Mother] visited the children after Court on August 31, 2006 and prior to this date the last visit was on April 27, 2006. The only other visit Ms. Rodgers has had with the children the entire time they have been in custody was on February 26, 2007. DCS case manager offered to pay for a bus ticket and lodging for [Mother] to visiting [sic] the children in December 2006 and January 2007, however, she declined to travel to Tennessee.

The court also found that Mother knew of her duty to visit, knew how to schedule visits, and provided no justifiable excuse for her failure to visit. As to DCS' reasonable efforts to facilitate visitation, the court found as follows:

The Department made reasonable efforts to assist the parent in visiting the children by making the children available for visitation; offering to buy [Mother] a bus ticket and rent a motel room, she refused these services until the last visit on September 28, 2006; and refused them again in December 2006 and January 2007, the case manager transported the mother and children to visitation then supervised all visits; and provided supervised telephone visitation

between the children and [M]other.

As to the other termination grounds, the court made detailed findings in the final order. The court found that Mother had not contributed to the support of the children since September 23, 2005. The court found that Mother had not substantially complied with the permanency plan, including not having completed the following requirements:

[S]he was not available for the state of Florida to complete the ICPC process the first time and the second ICPC was denied due to her lack of honesty, her failure to take responsibility for her children's removal and her paramour's extensive criminal history, she moved to Florida shortly after the children came into custody of the State of Tennessee and refused to return to Tennessee, visitation has been sporadic, she refused urine drug screens and hair follicle tests on two separate occasions prior to the filing of this Petition, she has not provided proof of a stable drug free lifestyle, she has not provided proof of a source of legal income.

...

She was supposed to attend NA/AA meetings and she has not done that. . . . She has been dishonest about her relationship with Angelo Owens, who is not a fit or proper person for these children to be around.

This appeal timely followed.

II. ISSUES PRESENTED

Appellant presents the following issues for review, which we reorder and reword:

1. Whether Mother abandoned her children because DCS failed to make reasonable efforts to reunite Mother and children.
2. Whether DCS made reasonable efforts to reunite Mother and children.

Based on the following reasons, we affirm.

III. STANDARD OF REVIEW

It is undisputed that “[a] biological parent's right to the care and custody of his or her child is among the oldest of the judicially recognized liberty interests protected by the Due Process

Clauses of the federal and state constitutions.” *In re Giorgianna H.*, 205 S.W.3d 508, 515 (Tenn. Ct. App. 2006) (footnotes and citations omitted). That being said, parental rights are not absolute; rather, such rights continue “without interruption only as long as a parent has not relinquished [them], abandoned [them], or engaged in conduct requiring [there] limitation or termination.” *In re Audrey S.*, 182 S.W.3d 838, 860 (Tenn. Ct. App. 2005) (citations omitted). The lower court’s decision to terminate parental rights should be made under a clear and convincing standard, and we look to determine whether the court’s findings are supported by a preponderance of the evidence. *In re F.R.R., III*, 193 S.W.3d 528, 530 (Tenn. 2006). Clear and convincing evidence eliminates any serious doubt as to the correctness of the conclusions drawn from the evidence. *In re M.A.R.*, 183 S.W.3d 652, 660 (Tenn. Ct. App. 2005) (citations omitted).

We review a trial court’s findings of fact *de novo* with a presumption of correctness. We will only overturn these factual findings if the evidence preponderates against them. Tenn. R. App. P. 13(d) (2007); *In re F.R.R., III*, 193 S.W.3d 528, 530 (Tenn. 2006). The evidence preponderates against a trial court’s finding of fact when it supports “another finding of fact with greater convincing effect.” *Nashville Ford Tractor, Inc., v. Great American Ins. Co.*, 194 S.W.3d 415, 425 (Tenn. Ct. App. 2005); *Watson v. Watson*, 196 S.W.3d 695, 701 (Tenn. Ct. App. 2005) (citing *Walker v. Sidney Gilreath & Assocs.*, 40 S.W.3d 66, 71 (Tenn. Ct. App. 2000); *The Realty Shop, Inc. v. R.R. Westminster Holding, Inc.*, 7 S.W.3d 581, 596 (Tenn. Ct. App. 1999)). We give great weight to the trial court’s factual findings concerning the credibility of witnesses, *Nashville Ford Tractor, Inc.*, 194 S.W.3d at 425 (citations omitted), and we will not re-evaluate these factual findings unless there exists clear and convincing evidence to the contrary. *Sircy v. Metro. Gov’t of Nashville and Davidson County*, 182 S.W.3d 815, 818 (Tenn. Ct. App. 2005) (citation omitted). On the other hand, we review the trial court’s conclusions of law *de novo* upon the record with no presumption of correctness. *Union Carbide Corp. v. Huddleston*, 854 S.W.2d 87, 91 (Tenn. 1993) (citing *Estate of Adkins v. White Consol. Indus., Inc.*, 788 S.W.2d 815, 817 (Tenn. Ct. App. 1989)).

IV. DISCUSSION

A. Abandonment

Mother does not question whether there was clear and convincing evidence to support the termination of her rights based on abandonment for the failure to pay child support, abandonment for the failure to visit, or abandonment for failure to establish a suitable home;³ rather, Mother argues that “[b]ased on her actual compliance with the [permanency] plan, she cannot be held to have failed to complete the plan and therefore to have ‘abandoned’ her children.” Mother contends that “[t]he issue of abandonment dovetails with the State’s responsibility to make reasonable efforts to reunite parent and child.” No authority is cited to support this argument.

³ Nor does Mother argue that the termination of her parental rights would not be in best interest of the children, or that the proof is insufficient to support such a finding. Thus, we do not address that issue.

We first point out that only one statutory ground must be proven by clear and convincing evidence (along with best interest) in order to terminate a parent's rights: "Clear and convincing evidence supporting any single ground will support a termination order." *Dept. of Children's Services v. S.M.D.*, 200 S.W.3d 184, 197 (Tenn. Ct. App. 2006). We point out that Mother fails to dispute the termination of her rights based on persistent conditions. Nevertheless, looking to the record, we find that the trial court did not err in finding that mother abandoned her children by her failure to visit.

Tenn. Code Ann. § 36-1-102(1)(A)(i) defines abandonment by failure to visit as follows: "For a period of four (4) consecutive months immediately preceding the filing of a proceeding or pleading to terminate the parental rights of the parent(s) or guardian(s) of the child who is the subject of the petition for termination of parental rights or adoption, that the parent(s) or guardian(s) [] have willfully failed to visit" A parent's abandonment of the child must be willful, meaning the parent knows of the duty to visit, is able to do so yet makes no attempt to do so, and lacks any justifiable excuse for failure to do so. *In re Audrey S.*, 182 S.W.3d 838, 864 (Tenn. Ct. App. 2005) (footnote and citations omitted).

The record is clear that Mother failed to visit a single time in the four months preceding the termination petition. Nor does Mother dispute this fact. Mother was aware that her rights could be terminated if she failed to visit her children, as she signed a copy of Criteria & Procedures for Termination of Parental Rights. Mr. Bowman's testimony also indicates that Mother was verbally notified on several occasions of her duty to visit and the consequences of not fulfilling that duty. DCS offered to help Mother move back to Tennessee, an offer that she refused. *See In re D.M.S.*, No. M2004-02584-COA-R3-PT, 2005 Tenn. App. LEXIS 475, at *26–27 (Tenn. Ct. App. Aug. 9, 2005) (affirming the trial court's termination of a mother's parental rights based on abandonment by failure to visit when DCS attempted to help the mother in finding housing, but the mother frustrated those attempts by choosing to move from Tennessee to Wisconsin). DCS offered to pay Mother's transportation and lodging expenses in order for Mother to visit the children, yet Mother refused on several occasions.

Nor is there anything in the record to indicate that DCS or Mr. Bowman thwarted Mother's attempts to visit the children. "Failure to visit or to support is not excused by another person's conduct unless the conduct actually prevents the person with the obligation from performing his or her duty, or amounts to a significant restraint of or interference with the parent's efforts to support or develop a relationship with the child[.]" *In re Audrey S.*, 182 S.W.3d 838, 864 (Tenn. Ct. App. 2005) (citations omitted). As discussed previously, Mother testified that Mr. Bowman suggested that she wait to visit her children, but this testimony is contradicted by Mr. Bowman's testimony that Mother was the one who declined visits. The trial court found Mother's testimony lacking credibility, and we find no clear and convincing evidence to the contrary. Assuming *arguendo* that Mr. Bowman did "suggest" that Mother wait to visit at a future date, that would not rise to the level of interference necessary to relieve Mother of her duty to visit. Mother testified that she was financially capable of traveling to Tennessee and visiting the children without the financial assistance of DCS. Rather, as previously addressed, Mother was the one who thwarted attempts by DCS to

help her follow the permanency plan and help her visit her children. In any event, we need not address this issue any further as Mother does not raise it on appeal, nor does record indicate such an situation.

As to Mother's compliance with the permanency plan as support for the argument that she did not abandon the children, we need not get into the merits of such an argument, as clearly her efforts to comply came after the termination petition was filed. Mother completed the American Therapeutic Corporation's domestic violence course and substance abuse counseling in April of 2007, although she failed to follow-up with AA meetings and failed to complete several other requirements of the permanency plan. The termination petition was filed in January of 2007. The relevant time frame is the four-month period prior to the filing. "Abandonment may not be repented of by resuming visitation or support subsequent to the filing of any petition seeking to terminate parental or guardianship rights or seeking the adoption of a child[.]" Tenn. Code Ann. § 36-1-102(1)(F); *see also In re D.L.B.*, 118 S.W.3d 360, 366 (Tenn. 2003). But in any event, clear and convincing evidence exists that Mother abandoned her children by failure to visit. As we have already stated, only one ground for termination need exist and thus, we need not analyze the other abandonment grounds. We will nevertheless briefly address the next issue of DCS' reasonable efforts.

B. Reasonable Efforts

Mother contends that DCS failed to make reasonable efforts to reunite her with the children as proscribed by Tenn. Code Ann. § 37-1-166. DCS counters that reasonable efforts were made, even though it was under no duty to make reasonable efforts because Mother willfully abandoned the children.

DCS must establish that it made "reasonable efforts to reunite the family and that these efforts were to no avail." *In re Giorgianna H.*, 205 S.W.3d 508, 518 (Tenn. Ct. App. 2006) (citations and footnote omitted). As to the reunification efforts, "the Department must do more than simply provide the parents with a list of services and send them on their way. The Department's employees must use their superior insight and training to assist the parents in addressing and completing the tasks identified in the permanency plan." *Id.* at 519 (citations omitted).

On the other hand, the law does not require that DCS' efforts amount to "herculean." *In re Giorgianna H.*, 205 S.W.3d at 519. "Reunification of a family is a two-way street, and the law does not require DCS to carry the entire burden of this goal." *Dept. of Children's Services v. S.M.D.*, 200 S.W.3d 184, 198 (Tenn. Ct. App. 2006) (quoting *In re R.C.V.*, No. W2001-02102-COA-R3-JV, 2002 Tenn. App. LEXIS 811, at *39, 2002 WL 31730899, at *11 (Tenn. Ct. App. Nov. 18, 2002)). "[P]arents desiring the return of their children must also make reasonable and appropriate efforts to rehabilitate themselves and to remedy the conditions that required the Department to remove their children from their custody." *In re Giorgianna H.*, 205 S.W.3d at 519 (citations omitted).

We need not decide whether DCS was relieved of its duty to make reasonable efforts, as the record clearly demonstrates that DCS fulfilled this obligation. Mother chose not to accept help, by refusing offers of DCS to pay for her visits of the children in Tennessee or helping her relocate back to Tennessee; refusing to take drug tests; refusing to provide proof of legal income; and refusing to comply with other aspects of the permanency plan. Mother's phone number changed on several occasions, making it difficult for DCS to contact her. Reasonable efforts were put forth in this case, Mother simply chose not to help herself.

More specifically, Mother argues that "[a]t the very least, written notification of available services and requirements should have been provided. Based on this issue alone, the case should be reversed." We disagree. First, the testimony is conflicting as to what lists and information Mother received, and the trial court discredited Mother's testimony and specifically accredited Mr. Bowman's testimony. Second, Mother testified that she understood the parenting plan and what was required of her. This argument has no merit. In conclusion, we find that the record clearly supports the trial court's decision to terminate Mother's parental rights.

V. CONCLUSION

We affirm the decision of the trial court. Costs of the appeal are assessed against Appellant, Barbara Wynette Rodgers, for which execution may issue if necessary.

ALAN E. HIGHERS, P.J., W.S.